

SIXTY-NINTH DAY
(Monday, May 7, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Bracklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

The following Senator was absent-excused: Snelson.

A quorum was announced present.

The Reverend John Auer, Pastor of St. Martin's Lutheran Church, Austin, Texas, offered the invocation as follows:

Dear Heavenly Father, as we begin another day of official business in this Senate, help us to remember who we are. Help us to know that we are your children and that everything worthwhile that is accomplished here must be with your blessing.

Help us to know that we are not only your servants but the servants of all the people that we represent in this great State. Lead us in such a way that we may forget ourselves and any personal interests that may be lurking in our minds and hearts that only You and the welfare of the people who are under the rule of this Senate will be honored and served.

It is both a large and awesome task to which we set ourselves. We know and confess our frailties and seek that strength which only You can give.

Lead us that in the spirit of Jesus Christ we may serve you and our fellowman in all our days. In His Precious Name we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 4, 1973, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Sherman.

REPORTS OF STANDING COMMITTEE

Senator Creighton submitted the following reports for the Committee on Economic Development:

S.B. 778

C.S.S.B. 791 (Read first time)

C.S.S.B. 837 (Read first time)

S.B. 957

H.B. 70 (Adversely)

H.B. 731

SENATE CONCURRENT RESOLUTION 97

Senators Blanchard and Creighton offered the following resolution:

S.C.R. 97, Commending Texas Railroad Commission for prompt and positive action in ordering continuation of supply and service of LPG products.

On motion of Senator Blanchard and by unanimous consent, the resolution was considered immediately and was adopted.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 97

On motion of Senator Blanchard and by unanimous consent, Senator Creighton will be shown as Co-author of S.C.R. 97.

CO-AUTHOR OF SENATE BILL 777

On motion of Senator Gammage and by unanimous consent, Senator Jones will be shown as Co-author of S.B. 777.

SENATE BILL 71 WITH HOUSE AMENDMENT

Senator Braecklein called S.B. 71 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

AMENDMENT NO. 1

Amend S.B. 71, Section 29, C., Page 4, line 1 by inserting the word "or" after the word "practice"; and also on line 1 by inserting the word "or" after the word "defraud".

The House amendment was read.

Senator Braecklein moved to concur in the House amendment.

The motion prevailed.

**COMMITTEE SUBSTITUTE SENATE BILL 925
ON SECOND READING**

Senator Moore asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 925 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up C.S.S.B. 925 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Mengden, Moore, Santiesteban, Schwartz, Traeger, Wallace and Wolff.

Nays: Blanchard, Mauzy, Meier, Patman and Sherman.

Absent: Gammage and Ogg.

Absent-excused: Snelson.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 925, A bill to be entitled An Act to provide a supplemental service retirement compensation benefit for commissioned law enforcement officers of the Department of Public Safety, Alcoholic Beverage Commission and Parks and Wildlife Department, and custodial officers of the Department of Corrections; creating a fund from which such supplemental benefit payments may be made; providing for certification of service by the Department or Commission; providing for administration of the Act and investment of funds; prohibiting the use of funds provided by the Act for payment of any benefit other than provided by the Act and prohibiting the use of funds provided under the State Employees Retirement Act for payment of benefits provided under this Act; providing a penalty for conversion of funds and fraud; providing an effective date; and declaring an emergency.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Mengden, Moore, Santiesteban, Schwartz, Traeger and Wolff.

Nays: Blanchard, Mauzy, Meier, Patman, Sherman and Wallace.

Absent: Ogg.

Absent-excused: Snelson.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 925 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 925 be placed on its third reading and final passage.

The motion was lost by the following vote: (Not receiving four-fifths vote of the Members present) Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Santiesteban, Schwartz, Traeger and Wolff.

Nays: Blanchard, Jones, Mauzy, McKinnon, Meier, Patman, Sherman and Wallace.

Absent-excused: Snelson.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 7, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has

passed the following:

The House has concurred in Senate amendments to House Bill 376 by non-record vote.

The House has concurred in Senate amendments to House Bill 487 by non-record vote.

S.C.R. 95, Calling for a Joint Session of the Legislature for the formal unveiling of the portrait of Senator A. M. Aikin, Jr.

S.B. 264, A bill to be entitled An Act relating to farm mutual insurance companies and those insurers considered as farm mutual insurance companies; amending, revising and recodifying Chapter 16 of the Insurance Code, providing for no unconstitutional application, providing a severability clause; and declaring an emergency. (With amendments)

H.B. 169, A bill to be entitled An Act requiring the Legislative Budget Board to perform performance audits of agency programs and operations; providing for a biennial performance report; providing a severability clause; and declaring an emergency.

H.B. 170, A bill to be entitled An Act establishing the Texas Commission on Revenue Earmarking; providing for a commission staff; requiring a reporting date; providing a severability clause; and declaring an emergency.

H.B. 211, A bill to be entitled An Act relating to the purchase of paper by the Board of Control; adding Section 13A to Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 233, A bill to be entitled An Act amending Article 1650 of the Revised Civil Statutes of Texas of 1925, as amended, so as to give the District Judge or District Judges authority to determine the number of Assistant County Auditors in all counties; and declaring an emergency.

H.B. 247, A bill to be entitled An Act relating to barring the collection of ad valorem taxes that were delinquent prior to and including December 31, 1954; amending Section 1, Chapter 128, Acts of the 44th Legislature, Regular Session, 1935, as last amended by Section 1, Chapter 462, Acts of the 59th Legislature, Regular Session, 1965 (Article 7336f, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 255, A bill to be entitled An Act relating to the collection and disposition of unearned premiums and commissions of an insurer who is subject to delinquency proceedings; amending Subsection (c) of Section 1 and adding Section 3A to Article 21.28, Texas Insurance Code, as amended; and declaring an emergency.

H.B. 365, A bill to be entitled An Act relating to the exemption of certain children from compulsory attendance at public schools; amending Section 21.033, Texas Education Code; and declaring an emergency.

H.B. 367, A bill to be entitled An Act relating to the inclusion of autistic children within the definition of "exceptional children" for purposes of the minimum foundation school program; amending Subdivision (1), Subsection (b), Section 16.16, Texas Education Code; and declaring an emergency.

H.B. 463, A bill to be entitled An Act relating to convalescent and nursing homes and related institutions licensed by the State Department of

Health; amending Subsection (a), Section 2, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 503, A bill to be entitled An Act relating to photographs on driver's licenses; adding Subsection (c) to Section 11, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 504, A bill to be entitled An Act relating to changing the name of the Ground Water Conservation District Number Three South of the Canadian River; amending Chapter 19, Acts of the 55th Legislature, Regular Session, 1957 (Article 8280-191, Vernon's Texas Civil Statutes), by adding Section 1A; and declaring an emergency.

H.B. 550, A bill to be entitled An Act relating to arrest for speeding violations by peace officers commissioned by incorporated cities and towns; adding Subsection (d), Section 27, and amending Section 153, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 676, A bill to be entitled An Act relating to the liability of an attorney for costs in a civil proceeding; and declaring an emergency.

H.B. 703, A bill to be entitled An Act relating to the name of a certain state park; and declaring an emergency.

H.B. 723, A bill to be entitled An Act designating a certain highway route as Airport Freeway; and declaring an emergency.

H.B. 733, A bill to be entitled An Act relating to exempting certain blind or disabled persons from paying fishing license fees; amending Chapter 239, Acts of 55th Legislature, Regular Session, 1957, as amended (Article 4032b-1, Vernon's Texas Civil Statutes), by adding Section 2A; and declaring an emergency.

H.B. 760, A bill to be entitled An Act relating to the abolition of the office of county superintendent of Tom Green County; and declaring an emergency.

H.B. 765, A bill to be entitled An Act relating to control and eradication of the boll weevil; amending Chapter 3, Title 4, Revised Civil Statutes of Texas, 1925, by adding an Article 68a; and declaring an emergency.

H.B. 804, A bill to be entitled An Act amending Section 1, Chapter 422, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4050c, Vernon's Texas Civil Statutes), relating to the removal of rough fish and turtles from public fresh waters; and declaring an emergency.

H.B. 808, A bill to be entitled An Act relating to the removal of a county seat; amending Article 1596, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

H.B. 819, A bill to be entitled An Act relating to the office of district attorney for the 43rd Judicial District; providing for his assistants, investigators, secretaries, and other office personnel; and declaring an emergency.

H.B. 851, A bill to be entitled An Act relating to abolishing the office of county school superintendent of Angelina County; and declaring an emergency.

H.B. 859, A bill to be entitled An Act abolishing the office of county auditor of McCulloch County; and declaring an emergency.

H.B. 887, A bill to be entitled An Act relating to minimum standards for protective clothing and respiratory protective equipment for fire protection personnel; amending Chapter 668, 61st Legislature, 1969, as amended (Article 4413 (35), Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 901, A bill to be entitled An Act relating to changing the name of the Bureau of Labor Statistics to the Bureau of Labor and Standards; and declaring an emergency.

H.B. 910, A bill to be entitled An Act relating to contributions to the Firemen's Relief and Retirement Fund in certain cities; amending Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 961, A bill to be entitled An Act relating to the retirement age of fire service personnel and payments for accumulated sick leave to firemen in certain cities; amending Chapter 103, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6243f-1, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 974, A bill to be entitled An Act relating to the use of certain land in Matagorda County; amending Section 2, Chapter 10, Acts of the 57th Legislature, 3rd Called Session, 1962; and declaring an emergency.

H.B. 976, A bill to be entitled An Act relating to fingerprinting of a person arrested for driving without a license; amending Section 13, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 998, A bill to be entitled An Act amending Section 141 of Article 6701d, Vernon's Texas Civil Statutes, the Uniform Act Regulating Traffic on Highways, by adding thereto subsection (f) authorizing the Department of Public Safety to appoint as official inspection stations vehicle maintenance facilities owned and operated by political subdivisions of the state to inspect vehicles owned by such political subdivisions; making provisions related to the subject; and declaring an emergency.

H.B. 999, A bill to be entitled An Act relating to the tampering with or disregarding of barricades and warning signs placed upon any property where a hazardous condition exists; bringing the penalties within the jurisdiction of municipal courts; amending Chapter 270, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674u, Vernon's Texas Civil Statutes); amending Chapter 65, Acts of the 59th Legislature, Regular Session, 1965 (Article 6674u-1, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1024, A bill to be entitled An Act relating to the modification of benefits for paid and volunteer firemen under the Firemen's Relief and Pension Fund; amending Section 7F, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1044, A bill to be entitled An Act relating to terms of office of directors of certain water supply corporations and sewer service corporations; amending Section 3, Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 1434a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1056, A bill to be entitled An Act relating to supervisory authority of inmates in the custody of the Texas Department of Corrections or in any jail in this state; and declaring an emergency.

H.B. 1109, A bill to be entitled An Act relating to the creation, administration, financing, powers, and duties of imported fire ant control districts; and declaring an emergency.

H.B. 1111, A bill to be entitled An Act amending Chapter 63, 59th Legislature, Acts 1965 as amended (compiled as Article 1269j-4.1) by making the Act applicable to all incorporated cities, including Home Rule cities having a population of seven thousand (7,000) or more according to the last preceding Federal Census; by amending the Act to authorize such City to establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate or maintain (any or all) public improvements such as golf courses, tennis courts and similar recreational facilities; and amending said Act to authorize such city to issue negotiable revenue bonds to provide all or part of the funds for the establishment, acquisition, purchase, construction, improvement, enlargement, equipment or repair (any or all) of public improvements such as golf courses, tennis courts and other similar recreational facilities; and declaring an emergency.

H.B. 1114, A bill to be entitled An Act relating to the power of certain cities to construct, acquire, improve, and operate farmers' markets and off-street parking facilities and to finance them through the issuance of revenue bonds; and declaring an emergency.

H.B. 1118, A bill to be entitled An Act relating to education; providing for high school instruction in the free enterprise system; amending Chapter 21, Subchapter D, Texas Education Code, as amended, by adding Section 21.1031; and declaring an emergency.

H.B. 1177, A bill to be entitled An Act authorizing the conveyance of certain land by the State Department of Health to the Department of Mental Health and Mental Retardation for the use and benefit of the Tyler State Center for Human Development; and declaring an emergency.

H.B. 1182, A bill to be entitled An Act relating to authorized investments for companies doing business in foreign countries; adding Article 2.10-2 to Chapter 2, Insurance Code, as amended; and declaring an emergency.

H.B. 1183, A bill to be entitled An Act amending Acts 1971, 62nd Legislature, Regular Session, page 2824, Chapter 923 (Article 2368a.1, Vernon's Texas Civil Statutes) to authorize counties and cities to issue revenue certificates of obligation; and declaring an emergency.

H.B. 1185, A bill to be entitled An Act relating to the salary of the Judge of the County Court at Law of Smith County; amending Section 17, Chapter 232, Acts of the 58th Legislature, 1963, as amended (Article 1970-348, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1192, A bill to be entitled An Act relating to the salaries of purchasing agents in certain counties; amending Subsection (f), Section 1, Chapter 9, page 602, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, as amended; and declaring an emergency.

H.B. 1204, A bill to be entitled An Act relating to the regulation and registration of architects; repealing Subsection (b) of Section 7, and Subsection (c) of Section 12; amending Section 3, Section 4, Subsection (b) of Section 5, Section 6, Subsection (c) of Section 7, Subsection (b) of Section 8,

Section 9, Section 10, Subsections (a) and (b) of Section 12, and Section 14; and adding Subsection (c) to Section 5, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1219, A bill to be entitled An Act relating to the regulation of the installation and servicing of certain fire extinguishers; amending Subsections (c) and (e) and adding Subsections (f), (g), and (h), Section 3, and amending Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12, Chapter 616, Acts of the 62nd Legislature, Regular Session, 1971 (Article 597a, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 1234, A bill to be entitled An Act relating to the appointment of assistant district attorneys, investigators, secretaries, and other personnel for the office of the district attorney of the 9th Judicial District; authorizing payment of salaries and expenses, furnishing equipment and supplies, supplemental compensation for the district attorney by a certain commissioners court; amending Chapter 560, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 326L-2, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1239, A bill to be entitled An Act relating to the sale of merchandise made by convicts or prisoners; amending Section 1, Chapter 86, Acts of the 47th Legislature, Regular Session, 1941 (Article 11371-1, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 1301, A bill to be entitled An Act relating to Nueces County Navigation District No. 1; increasing the Board of Navigation and Canal Commissioners from three to five in number; providing for appointment of two additional commissioners after the effective date of this Act to serve for terms coextensive with the terms of Commissioners then serving; providing for appointment of five Commissioners thereafter to hold office for terms of two years and until their successors are appointed and qualified; finding proper notice and delivery; and providing and declaring an emergency.

H.B. 1328, A bill to be entitled An Act relating to foot health care services and procedures under the Medical Assistance Act of 1967; amending Chapter 151, Acts of the 60th Legislature, Regular Session, 1967 (Article 695j-1, Vernon's Texas Civil Statutes) by adding a new Section 5A; providing for severability; and declaring an emergency.

H.B. 1352, A bill to be entitled An Act relating to the power of the Private Employment Agency Board to hire an executive director and other personnel to assist in the duties of the Board and replacing the Commissioner of the Bureau of Labor Statistics; amending Subsections (f) and (g) of Section 1, Sections 4, 6, 8, 10, 12, 18, and Subsection (d) of Section 13, and adding a new Subsection (j) to Section 3, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1353, A bill to be entitled An Act relating to the coverage of the law governing sale, use, and transportation of herbicides, as it relates to applicators and custom applicators; amending Subsections (b) and (c), Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 135b-4, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1364, A bill to be entitled An Act amending the Water Code to conform legislation enacted during the Regular Session of the 62nd Legislature; repealing Section 51.147, Water Code; Chapter 154, Acts of the 61st Legislature, Regular Session, 1969 (Article 698c, Vernon's Texas Penal Code);

Sections 149-155, Chapter 25, Acts of the 39th Legislature, 1925, as added (Article 7880-147ci through 7880-147c6a, Vernon's Texas Civil Statutes); and Sections 2, 3, and 4, Chapter 1011, and Chapters 898 and 825, Acts of the 62nd Legislature, Regular Session, 1971; and declaring an emergency.

H.B. 1414, A bill to be entitled An Act relating to the penalty for failure to report suspected or known child abuse or neglect; amending Chapter 117, Acts of the 59th Legislature, 1965, as amended (Article 695c-2, Vernon's Texas Civil Statutes), by adding Section 9; and declaring an emergency.

H.B. 1415, A bill to be entitled An Act relating to tampering with the odometer on a motor vehicle; providing a penalty; and declaring an emergency.

H.B. 1445, A bill to be entitled An Act exempting certain veterans organizations from the fee for a Private Club Late Hours Permit; amending Section 15(f), Article 1, Texas Liquor Control Act, as amended (Article 666-15f, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 1447, A bill to be entitled An Act making provisions for cost of living increases in present firemen and policemen's pensions in certain cities granted prior to August 30, 1971; amending Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes) by adding a Section 26B; providing for severability; and declaring an emergency.

H.B. 1448, A bill to be entitled An Act relating to benefits for members of certain Firemen and Policemen's Pensions Funds; amending Sections 8(a), 10, 11, 13, and Subsection (2) of Section 26A, Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1457, A bill to be entitled An Act relating to the time within which an autopsy report must be filed, enabling copies of said report to be furnished to interested persons; and declaring an emergency.

H.B. 1467, A bill to be entitled An Act relating to civil liability arising with respect to contracts or agreements to furnish fire protection under the Interlocal Cooperation Act; adding Subsection (g) to Section 4, Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1487, A bill to be entitled An Act amending the Texas Insurance Code to provide that the State Board of Insurance may promulgate reasonable rules and regulations describing documents which must be signed by an actuary, as defined herein; defining the term actuary; authorizing the State Board of Insurance to prescribe rules relating to training and experience necessary to show actuarial competence; and declaring an emergency.

H.B. 1496, A bill to be entitled An Act amending Sections 137(b) and 138(e) of Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); deleting therefrom reference to "any motor vehicle using compressed gas as a fuel"; and declaring an emergency.

H.B. 1504, A bill to be entitled An Act relating to the authority of certain counties to lease all or portions of the county hospital; amending Section 1, Chapter 107, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 4494h, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1512, A bill to be entitled An Act creating a permanent historical

commission to be known as the Texas Historical Commission; providing powers, duties, and organization, and term of office of the Texas Historical Commission; providing that the present members of the Texas State Historical Survey Committee shall continue to serve as members of the Commission; providing method of filling vacancies; making other provisions relating to the Executive Director and the Texas Historical Commission; transferring certain responsibilities to the General Land Office; providing a severability clause; and declaring an emergency.

H.B. 1519, A bill to be entitled An Act relating to changes in the benefits in the firemen and policemen pension fund in certain cities; amending Section 10A, Chapter 101, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 6243b Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1548, A bill to be entitled An Act relating to including Zapata County under certain provisions of The Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 1553, A bill to be entitled An Act relating to the Employees Retirement System of Texas; amending Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1566, A bill to be entitled An Act relating to the abolition of the office of county school superintendent of Walker County; and declaring an emergency.

H.B. 1567, A bill to be entitled An Act amending Chapter 45, Texas Water Code, to change the term of office of the Red River Compact Commissioner; providing that his compensation shall be as determined by the Legislature; and declaring an emergency.

H.B. 1571, A bill to be entitled An Act repealing Chapter 6, Page 526, Acts of the 46th Legislature, General Laws, Regular Session, 1939 (Article 6070c-1, Vernon's Texas Civil Statutes); transferring the land involved to the General Land Office; and declaring an emergency.

H.B. 1580, A bill to be entitled An Act relating to the expansion and change of name of the Colorado City Hospital District; amending Chapter 466, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency.

H.B. 1581, A bill to be entitled An Act providing for the use of bid security on proposed construction work in the form of a cashier's check, certified check, or bidder's bond and providing for the forfeiture of same; amending Chapter 101, Acts of the 58th Legislature, Regular Session, 1963 (Article 8280-280, Vernon's Texas Civil Statutes), by adding a new Section 19; and declaring an emergency.

H.B. 1583, A bill to be entitled An Act relating to the abolition of the county school superintendent in Orange County; and declaring an emergency.

H.B. 1584, A bill to be entitled An Act relating to the use of bonds and notes of the Jefferson County Drainage District No. 7 as security for the deposit of certain funds; amending Section 8, Chapter 34, Acts of the 57th Legislature, Third Called Session, 1962; and declaring an emergency.

H.B. 1585, A bill to be entitled An Act relating to the creation of the

constitutional office of criminal district attorney for Calhoun County; abolishing the office of county attorney for Calhoun County; conforming the jurisdiction of the District Attorney for the 24th Judicial District; and declaring an emergency.

H.B. 1594, A bill to be entitled An Act relating to abolition of the county board of school trustees of Lynn County; amending Chapter 453, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2688bb, Vernon's Texas Civil Statutes), by adding Section 2a; and declaring an emergency.

H.B. 1602, A bill to be entitled An Act relating to the office of District Attorney of the 29th Judicial District and his assistants, investigators, secretaries, and other office personnel; and declaring an emergency.

H.B. 1603, A bill to be entitled An Act relating to the issuance of permits for the taking of rough fish in fresh waters; providing for bonds; amending Sections 1, 2, 3 and 4, Chapter 422, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4050c, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1611, A bill to be entitled An Act relating to annual net revenues of the Battleship Texas Commission; amending Section 6, Chapter 139, Acts of the 50th Legislature, 1947, as amended (Article 6145-2, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1619, A bill to be entitled An Act relating to uniform registration of pesticides for sale or use in Texas; amending Section 4, Texas Commercial Fertilizer Control Act of 1961 (Article 108a, Vernon's Texas Civil Statutes), by adding Subsection (f); amending Subsection (A), Section 2, Insecticide, Fungicide, and Rodenticide Act of Texas (Article 135b-5, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1630, A bill to be entitled An Act relating to the creation, maintenance, operation, administration, powers and duties, and financing of the Sabine Pass Port Authority; and declaring an emergency.

H.B. 1635, A bill to be entitled An Act relating to the abolition of the county school superintendent and the board of school trustees in Dawson County; and declaring an emergency.

H.B. 1637, A bill to be entitled An Act relating to the compensation of the criminal district attorney and judge of the county court at law in Hidalgo County; amending Subsection (b), Section 2, Chapter 89, Acts of the 56th Legislature, Regular Session, 1959, as amended; amending Subsection (a), Section 11, Chapter 25, Acts of the 52nd Legislature, 1951, as amended (Article 1970-341, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1638, A bill to be entitled An Act amending Chapter 298, Acts Regular Session, 58th Legislature in 1963 to provide that the County Judge of Titus County shall be an ex officio member of the Board of Hospital Managers of Titus County Hospital District; making a finding that local notice has been properly given; providing a saving clause; and declaring an emergency.

H.C.R. 95, Memorializing Congress to preserve the capital gains treatment of timber.

H.C.R. 96, Instructing the Legislative Budget Board to prepare the budget recommendations which it will present to the Regular Session of the Sixty-fourth Legislature in the format of a Program Budget as well as the

traditional type of budget.

H.C.R. 169, Extending the work of the Joint Constitutional Convention Planning Committee.

S.C.R. 42, Providing for a hanging of a portrait of Jesse Jones which is in the Archives Building in the museum at Washington-on-the-Brazos.

S.B. 94, A bill to be entitled An Act recognizing the value and necessity of preserving and promoting the history of the Texas Navy; etc.; and declaring an emergency.

S.B. 103, A bill to be entitled An Act relating to the deposit of money in a county treasury; amending Article 1657, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

S.B. 122, A bill to be entitled An Act amending Section 3, Senate Bill 129, Acts 1963, Regular Session 58th Legislature (Art. 548b, Vernon's Texas Civil Statutes) increasing the filing fees from \$25.00 to \$50.00 and the renewal fee from \$20.00 to \$40.00 for organizations desiring to sell prepaid funeral benefits; etc.; and declaring an emergency. (With amendments)

S.B. 196, A bill to be entitled An Act prohibiting the driver of a vehicle from following within a certain distance behind an ambulance on an emergency call or otherwise interfering with an ambulance on an emergency call; amending Section 100, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 215, A bill to be entitled An Act to amend Chapter 63, Acts of the 57th Legislature, 3rd Called Session, 1962, codified as Article 2688h. Amending Section 1(c); providing for an assistant or assistants to the County Judge and salary and office and travel expenses to be paid from the County Available School Fund to perform certain duties formerly performed by the County Superintendent; and declaring an emergency.

S.B. 216, A bill to be entitled An Act relating to the compensation paid from county funds to the District Judges of the 10th, 56th, and 122nd District Courts of Galveston County for services rendered to the county; etc.; and declaring an emergency. (With amendments)

S.B. 255, A bill to be entitled An Act relating to the collection and sale of wastepaper by the State Board of Control; and declaring an emergency.

S.B. 266, A bill to be entitled An Act repealing Chapter 649, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 326L-1, Vernon's Texas Civil Statutes), relating to the assistant district attorney for the Second Judicial District; and declaring an emergency.

S.B. 271, A bill to be entitled An Act relating to the regulation of commercial activity on public beaches by the Parks and Wildlife Department; amending Chapter 26, Acts of the 61st Legislature, Second Called Session, 1969 (Article 5415d-4, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 273, A bill to be entitled An Act relating to the cleaning and maintaining of public beaches bordering on the Gulf of Mexico; amending Chapter 17, Acts of the 61st Legislature, Second Called Session, 1969 (Article 5415d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 274, A bill to be entitled An Act relating to the acquisition and disposition of state-owned lands and flats by navigation districts; amending

Sections 61.116, 61.117 and 60.038 of the Texas Water Code, 1971; repealing laws in conflict; and declaring an emergency. (With amendments)

S.B. 296, A bill to be entitled An Act relating to creation of the Gregg County Juvenile Board and the compensation of its members; and declaring an emergency.

S.B. 303, A bill to be entitled An Act relating to the encumbrance of city light, water, sewer and natural gas systems, parks, and swimming pools for the purpose of construction, improvement, extension, and repair of those systems; amending Article 1112, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 317, A bill to be entitled An Act relating to the appointment of a deputy district attorney for the 12th Judicial District; and declaring an emergency.

S.B. 336, A bill to be entitled An Act relating to the operation of sheltered workshops by the Texas Department of Mental Health and Mental Retardation; amending Section 2.17, Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 361, A bill to be entitled An Act authorizing the board of regents of Stephen F. Austin State University to sell and convey certain land; and declaring an emergency.

S.B. 367, A bill to be entitled An Act relating to the authority of local government units with regard to planning, constructing, and operating bicentennial expositions; amending the Interlocal Cooperation Act (Article 4413 (32c), Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 411, A bill to be entitled An Act relating to the compensation of the district attorney of the 88th Judicial District and the compensation of his stenographer or clerk; amending Subsection (a), Section 1, Chapter 537, Acts of the 60th Legislature, Regular Session, 1967 (Article 326k-60, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 489, A bill to be entitled An Act relating to the maintenance of safe bridges by the City of San Antonio; requiring construction of bridges which meet minimum standards of safety placing responsibility; providing for penalties; and declaring an emergency.

S.B. 513, A bill to be entitled An Act amending Section 88.106, Subchapter B of Chapter 88, Title 3, Texas Education Code, so as to add duties and authority of the state forester in developing rural fire protection plans; providing training in suppression of fires; to sell, lend, or otherwise make available to organized fire fighting groups fire control equipment available to the Texas Forest Service, including obsolete equipment and federal excess or surplus property; and declaring an emergency.

S.B. 608, A bill to be entitled An Act relating to compensation of members of the juvenile boards of Hardin and Tyler counties; amending Section 2, Chapter 347, Acts of the 55th Legislature, Regular Session, 1957 (Article 5139V, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 614, A bill to be entitled An Act amending Title I of the Family Code as follows: amending Section 1.32, Chapter 1, Subchapter B, relating to the content of the physician's statement; adding Section 1.38 relating to the granting of authority to the State Board of Health to require a serological test

for rubella under certain conditions; and declaring an emergency.

S.B. 618, A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of the Starr County Hospital District of Starr County, Texas, by authority of Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

S.B. 633, A bill to be entitled An Act relating to educational incentive pay for policemen in certain cities; amending Section 8, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 654, A bill to be entitled An Act amending Section 10a, Chapter 512, Acts of the 54th Legislature, 1955, as amended (Article 548b, Vernon's Texas Civil Statutes); providing that purchasers of contracts for prepaid funeral benefits shall constitute a lawful group for the issuance of a group contract of decreasing term life insurance by a life insurance company authorized to do business in the State of Texas; etc.; and declaring an emergency.

S.B. 659, A bill to be entitled An Act amending the provisions of Article 21.49 of the Insurance Code of the State of Texas; providing for the inclusion of certain insurers under the provisions of this Act; defining the word "insurer" as used in this Act; etc.; and declaring an emergency. (With amendments)

S.B. 682, A bill to be entitled An Act providing that a majority in value of certain stockholders equal to 51 percent of the stock of the company shall constitute a quorum; amending Article 2.13, Insurance Code; and declaring an emergency.

S.B. 714, A bill to be entitled An Act to provide a procedure whereby members of the Judicial, Teachers and Employees Retirement Systems of Texas with service in two or more classes of membership in such Retirement Systems may establish creditable service; etc.; and declaring an emergency. (With amendments)

S.B. 760, A bill to be entitled An Act amending the provisions of Article 2.07, Sec. 7 of the Insurance Code of the State of Texas providing that certain insurance companies desiring to purchase either by tender offer or through negotiated private transaction issued and outstanding shares of their own capital stock may purchase said shares in accordance with the provisions of the Texas Business Corporation Act provided prior approval is first obtained from the State Board of Insurance; etc.; and declaring an emergency.

S.B. 845, A bill to be entitled An Act relating to the authority of the Texas Library and Historical Commission to accept certain gifts and donations; amending Chapter 503, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5442b, Vernon's Texas Civil Statutes), by adding Section 2A; and declaring an emergency.

S.B. 880, A bill to be entitled An Act authorizing the conveyance of certain title, rights-of-ways, or easements by the board of regents of Texas Tech University to the State Highway Department and the State of Texas; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE RESOLUTION 714

Senator Brooks offered the following resolution:

BE IT RESOLVED by the Senate of the 63rd Legislature of the State of Texas that Rule 94, Subsection (a), Subdivision (7), of the Rules of the Senate be amended to read as follows:

"(7) a Committee on Human Resources (11 members); a Subcommittee on Consumer Affairs (5 members); a Subcommittee on Public Health and Welfare (5 members)."

The resolution was read and was referred to the Committee on Administration.

**COMMITTEE SUBSTITUTE SENATE BILL 209
ON SECOND READING**

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 209 (The bill having been set as Special Order for 11:30 o'clock a.m. today.)

Question, Shall C.S.S.B. 209 be passed to engrossment?

Senator Ogg offered the following amendment to the bill:

Amend C.S.S.B. 209 by adding to Subsection (b) of Section 1 at line 40 the word "Hereafter" before the word "notwithstanding"; and adding after the word "corporations" at line 45 the following:

"This Subsection shall apply only to contracts, obligations, causes of action, or claims of defense arising, entered into, accruing, or executed after the effective date of this act."

The amendment was read.

Pending discussion by Senator Patman of the amendment, Senator Ogg raised the Point of Order that Senator Patman was not confining his remarks to the subject of the amendment.

The President sustained the Point of Order and requested Senator Patman to confine his remarks to the subject of the amendment.

The amendment was then adopted.

RECORDS OF VOTES

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Meier asked to be recorded as voting "Present-Not voting" on the adoption of the amendment.

Senator Ogg offered the following amendment to the bill:

Amend C.S.S.B. 209 by adding a new Section 2 and renumbering the remaining Sections as 3 and 4. The said Section 2 shall read as follows:

"This act applies from and after its effective date prospectively and does not have any application to any right or duty, contract, obligation, cause of action, or claim of defense arising prior to its effective date."

The amendment was read and was adopted.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Present-Not voting" on the adoption of the amendment.

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 209 by adding the following as a new section at the end thereof:

"Provided however, any lender making a loan pursuant to the authority granted in this Act shall inform the borrower at the time that the loan is made, that the interest charged for any one or more years during the life of the loan is in excess of the applicable usury limits."

The amendment was read.

Senator Ogg moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 18, Nays 10, Present-Not voting 1.

Yeas: Adams, Blanchard, Brooks, Creighton, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman and Wolff.

Nays: Aikin, Andujar, Braecklein, Clower, Harrington, Mauzy, McKinnon, Patman, Traeger and Wallace.

Present-Not voting: Meier.

Absent: Gammage.

Absent-excused: Snelson.

Senator Patman offered the following amendment to the bill:

Amend C.S.S.B. 209 by adding after the words "interest charges" on line 33 of the printed copy of said bill the following:

"(including prepayment penalties)".

The amendment was read and failed of adoption.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Yea" on the adoption of the amendment.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Patman and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 209 ON THIRD READING

Senator Ogg moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 209 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3, Present-Not voting 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Clower, Mauzy and Patman.

Present-Not voting: Meier.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 5, Present-Not voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Blanchard, Clower, Mauzy, McKinnon and Patman.

Present-Not voting: Meier.

Absent-excused: Snelson.

SENATE BILL 714 WITH HOUSE AMENDMENTS

Senator Moore called S.B. 714 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate:

AMENDMENT 1

Amend S.B. 714 page 3, line 5 by adding the following language after the period on said line:

"Those individuals who are or were members of the state retirement system of some other state or of a Federal retirement system authorized by the laws of said state or the laws of the United States may become members of one of the

Employees Retirement Systems authorized under the Constitution and laws of the State of Texas if said individual obtains proof of said service from the state or federal government and the Texas Retirement System concerned is satisfied with the proof of such service. Those individuals concerned in order to obtain credit for such service with one of the Texas Employees Retirement Systems would have to pay both the employees share and the employers share of contributions and membership fee. The contribution for this prior service would be computed based on the contribution being paid by the State of Texas and the individual at the date of his employment by the State of Texas or the beginning of his service for the State of Texas. This authorization does not apply to those who are receiving federal civil service retirement, twenty years, full time regular active duty retirement or retirement from some other state."

AMENDMENT 2

Amend Section 9 of S.B. 714 to read as follows:

"Sec. 9. The provisions of this Act shall not prohibit any person with creditable service in more than one of the retirement systems named in this Act from combining such credit into one of the retirement systems under the provisions of Chapter 75, Acts of the 54th Legislature, Regular Session, 1955, as amended by Chapter 230, Acts of the 56th Legislature, Regular Session, 1959, (Article 6228a-2, Vernon's Texas Civil Statutes). With such exception all provisions of the law otherwise inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency."

The House amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Moore, Aikin, Herring, Andujar and McKinnon.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 177	H.B. 770
S.B. 218	H.B. 372
S.B. 393	H.B. 350
S.B. 636	H.B. 314
S.B. 642	H.B. 301
H.B. 467	H.B. 292
H.B. 909	H.B. 260
H.B. 556	H.B. 215
H.B. 708	H.B. 158
H.B. 715	H.B. 147
H.B. 858	H.B. 142
H.B. 771	H.B. 40
H.B. 754	H.C.R. 16

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 7, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 163, Commemorating the incorporation of the city of El Paso on May 17, 1873.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MESSAGE FROM GOVERNOR

The following Message from the Governor was read and referred to the Committee indicated:

Austin, Texas
May 7, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS SOUTHERN UNIVERSITY:

For a six-year term to expire February 1, 1979:

Reverend J. Carroll Chadwick of Center, Shelby County, for reappointment.

Mr. George L. Allen of Dallas, Dallas County, for reappointment.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Education.

**COMMITTEE SUBSTITUTE SENATE BILL 383
ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 383, A bill to be entitled An Act relating to the licensing and regulation of persons or corporations who engage in the business of executing bail bonds and establishing a bail bond board in certain counties; providing penalties; and declaring an emergency.

The bill was read second time.

Senator Santicsteban offered the following amendment to the bill:

Amend C.S.S.B. 383 by striking all below the enacting clause and substituting the following:

Section 1. DECLARATION OF POLICY. The business of executing bail bonds is declared to be a business affecting the public interest. It is declared to be the policy of this state to provide reasonable regulation to the end that the right of bail be preserved and implemented by just and practical procedures governing the giving or making of bail bond and other security to guarantee appearance of the accused.

Sec. 2. DEFINITIONS. In this Act:

(1) "Person" includes corporations, other business entities, and associations of persons.

(2) "Bondsman" means any person who for hire or for any compensation deposits any cash or bonds or other securities, or executes as surety any bond for other persons, as many as five times in any 12-month period.

(3) "Company" includes corporations and other business entities.

(4) "Bond" includes cash deposit and any similar deposit or written undertaking to assure appearance.

(e) "Board" means the County Bail Bond Board.

Sec. 3. REQUIREMENTS OF LICENSE. (a) No person may act as a bondsman without the license required under the provisions of this Act, except as provided in Subsections (b), (c), and (d) of this section.

(b) Persons who are actually engaged in the practice of law and who are members of the State Bar of Texas who personally execute bail bonds or act as sureties for persons they actually represent in criminal cases may execute bail bonds or sureties without being licensed under this Act, but they are prohibited from engaging in the practices made the basis for revocation of license under this Act and, if found guilty of violating the terms of this Act, may not qualify thereafter under the exception provided in this subsection.

(c) The provisions of this Act do not apply to the execution of bail bonds in counties having a population of less than 200,000 according to the last preceding federal census.

(d) Persons who execute bonds as cosureties with a licensed bondsman.

Sec. 4. EXAMINATION OF BONDSMAN BY ANY SHERIFF. A sheriff may examine under oath any proposed bondsman, or an officer or attorney of any company proposing to execute a bond, as to the indemnity, if any, deposited or otherwise provided directly or indirectly against loss by reason of the bond, and may refuse to accept the bond if, in the exercise of his discretion, he is satisfied that the security is insufficient, any portion of the security has been feloniously obtained, or the provisions of this Act have been violated.

Sec. 5. COUNTY BAIL BOND BOARD. (a) There is hereby created in all counties having a population of 200,000 or more, according to the last preceding federal census, a County Bail Bond Board.

(b) It shall be the duty of the County Bail Bond Board to set rules and regulations relative to the making of bail bonds by bondsmen within the county. No person may act as a bondsman unless he first obtains a license from the board unless exempted under the provisions of Section 3 of this Act.

(c) The County Bail Bond Board shall be composed of the following persons:

(1) the county sheriff or his designee;

(2) a district judge of the county having jurisdiction over criminal matters designated by the presiding judge of the administrative judicial district;

(3) the county judge or a member of the commissioners court designated by the county judge;

(4) a judge of a county court or a county court at law in the county having jurisdiction over criminal matters designated by the commissioners court;

(5) the district attorney or his designee.

(d) The board shall meet within 60 days after its creation. The board shall initially elect one of its members as chairman who shall preside at all meetings to be held thereafter at the call of the chairman.

(e) Three members of the board shall constitute quorum for the conduct of business. All action by the board shall require the vote of a majority of the members present.

(f) Unless clearly not required by this Act, all rules, regulations, and actions of the board passed pursuant to this Act shall be posted at an appropriate place in the courthouse for a period of 10 days prior to their effective date.

(g) The County Bail Bond Board has the following powers and duties:

(1) to establish rules to be followed in the county relating to the setting and taking of bail bonds;

(2) to conduct hearings and make determinations respecting the issuance of licenses to bondsmen within the provisions of this Act and to issue licenses to those applicants who qualify under the terms of this Act;

(3) to administer oaths and examine witnesses in its hearings;

(4) to investigate applicants and licensees and all persons in concert with them to determine their qualifications to meet the requirements of this Act;

(5) to cause records and transcripts to be made of all its proceedings; and

(6) to maintain records and minutes and otherwise operate its office affairs.

Sec. 6. APPLICATION AND ISSUANCE OF LICENSE. (a) Any person desiring to act as a bondsman in any court of the county shall file with the County Bail Bond Board a sworn application for a license. The application shall be in such form as the board may prescribe, and shall set forth:

(1) the name and address of the applicant, and if the applicant shall be a firm or corporation, the name of each officer and director thereof and all of its employees actively engaged in processing the giving or making of bail bonds within the county;

(2) the name under which the business shall be conducted;

(3) the name of the place or places wherein the business is to be conducted;

(4) the list of nonexempt properties owned by applicant and rendered on the tax rolls of the county, the same to be certified by the county tax assessor and collector of the county involved; along with a personal financial statement of the applicant.

(5) any corporation duly qualified to act as a surety in the State of Texas shall name its agent or agents proposed to do business of making bail in the county;

(6) a statement that such applicant has not been denied or refused a license in the county during the past 12 months.

(b) The application shall be accompanied by letters of recommendation from three reputable persons who have known the applicant for a period of at least three years. Each letter shall recommend applicant as having a reputation of honesty, truthfulness, fair dealing, and competency and shall recommend that the permit be granted to the applicant.

(c) The application shall be accompanied by a fee of \$500 for the filing of any original application.

(d) Upon notice from the board that the application has been tentatively approved, the applicant shall then:

(1) deposit with the county treasurer of the county in which his principal office is located a cashier's check, certificate of deposit, or cash in the amount of \$5,000, to be held in a special fund to be called the bail security fund; or

(2) execute in trust to the sheriff of the county in which his principal office is located a deed to nonexempt real property of the value, as determined by the sheriff, of not less than \$10,000, the condition of the trust being that the property may be sold to satisfy any forfeitures that may be made in bonds

executed by him after such notice and upon such conditions as are hereinafter provided.

(c) The cash deposit or the funds realized from the trust may be used to pay the judgments of any bail forfeiture that result from the person's execution of a bail bond, if the licensee fails to satisfy the judgment within 30 days subsequent to the date of issue by presentment of final judgment to the county treasurer. When any sums are depleted from the deposit or trust to pay a judgment resulting from a forfeited bond, the licensee shall, as a condition to continuing as a licensee, replenish the amount so depleted. When the licensee ceases to engage in the business of executing bail bonds and ceases to maintain his license, he may withdraw his security deposit or trust upon presentment of a release by the sheriff, if there are no judgments or bond liabilities outstanding against the license. Any portion of the deposit or trust not used to pay judgments shall be returned to the licensee or his heirs or assigns upon presentment of a release by the sheriff.

(f) Before application of the cash deposit, cashier's check, or certificate of deposit, or before any action is taken to liquidate property held in trust, the sheriff or his agent shall make demand of the licensee to pay the judgment. In the event of failure or refusal to do so within 30 days of the demand, the sheriff may apply the deposit to pay the judgment or liquidate the trust and apply the proceeds to pay the judgment. The licensee shall keep the sheriff notified of the mailing address to which notice of a judgment may be sent, and the mailing of notices by certified mail to the address provided by the licensee shall be sufficient to comply with the notice requirements of this section.

Sec. 7. CORPORATION AS SURETY. (a) Wherever in this Act any person is required or authorized to give or execute any bail bond, such bail bond may be given or executed by such principal and any corporation authorized by law to act as surety. When any such corporation authorized by law to act as a surety undertakes to be a surety on a bail bond, such corporation, before being acceptable as a surety on a bail bond, shall be required to meet the same requirements an individual is required to meet by this chapter before being acceptable as a personal surety on a bail bond.

(b) The certificate of authority to do business in this state issued to a corporation by the State Board of Insurance pursuant to Article 8.20, Insurance Code, as now or hereafter amended, shall not be conclusive evidence as to the sufficiency of the security, the corporation's solvency, or its credits; and if the court or officer taking the bail bond is not fully satisfied as to the sufficiency of the security offered by the corporation, further evidence shall be required before approving the bail bond.

(c) Any corporation who acts as a surety shall, before executing any bail bond, first file in the office of the county clerk of the county where such bail bond is given a power of attorney designating and authorizing the named agent, agents, or attorney of such corporation to execute such bail bonds by such agent, agents, or attorney. This power of attorney shall be a valid and binding obligation of the corporation.

(d) Notwithstanding any statutory requirements to the contrary, any agent so designated and licensed hereunder for the purpose of writing bail bonds shall not be required to be licensed as a local recording agent as defined in Article 21.14, Chapter 21, Texas Insurance Code, for the purpose of this Act.

Sec. 8. EXPIRATION OF LICENSE. (a) A license issued under this Act expires 24 months after the date of its issuance and may not be renewed unless an application for renewal is filed with the board at least 30 days before expiration. The application for renewal shall have the same form and content as an application for an original license under this Act. The application for renewal shall be accompanied by a renewal fee of \$250. The license may then be renewed for a period of 12 months from the date of expiration and may be renewed subsequently each year in like manner.

(b) All fees collected by a board shall be deposited in the general fund of the county.

(c) Each license, when issued, shall show on its face the date of expiration and license number, and it shall be the responsibility of the licensee to file for renewal under the terms of this Act, and each subsequent renewal license shall have the same number as assigned the original license.

Sec. 9. REFUSAL AND REVOCATION OF LICENSES. (a) No license may be issued to any person who:

(1) is bankrupt or insolvent; or

(2) has had his license revoked for default upon a bond and has not satisfied the obligation of the bond.

(b) any license may be suspended or revoked by the board for:

(1) violation of the provisions of this Act;

(2) fraudulently obtaining a license under the provisions of this Act;

(3) conviction under the laws of this or any other state or of the federal government of a misdemeanor involving moral turpitude or of a felony;

(4) being adjudged bankrupt or becoming insolvent;

(5) failing to pay within 30 days any final judgment rendered on any forfeited bond in any court of competent jurisdiction within this state;

(6) failure to pay, in addition to the principal amount of a forfeited bond, all necessary and reasonable expenses incurred by all peace officers in arresting the principal on any bail bond executed by him, in the event the principal fails to appear as required by law;

(7) a licensee's paying commission or dividing commission or fees with any person, company, firm, or corporation not permitted hereunder to execute bonds or in any manner passing anything of value to any person for referrals of bond business; or

(8) soliciting bail bond business in any building where prisoners are processed or confined.

Sec. 10. PROCEDURE FOR SUSPENSION OR REVOCATION OF LICENSE. (a) The board may revoke or suspend a license in accordance with the procedure provided in this section for the violation of any provision of this Act.

(b) Notice of a hearing to suspend or revoke shall be given by certified mail addressed to the last known address of the licensee at least 10 days prior to a date set for the hearing.

(c) The notice shall specify the charges of violation of this Act made against the licensee, and no other charges shall be made at the hearing pursuant to the notice.

(d) The hearing shall afford to the licensee opportunity to be heard, to present witnesses in his behalf, and to question witnesses against him.

(e) A record of the hearing shall be made. It shall be made available to the licensee on his request subject to his paying reasonable costs of transcription.

Sec. 11. COURT REVIEW. An appeal may be taken from any Board's order revoking, suspending, or refusing to issue a license. The appeal must be made within 30 days after written notice of the suspension, revocation, or refusal by filing a petition in a district court in the county in which the license is issued or refused. If no appeal is taken within 30 days after written notice of suspension, revocation, or refusal, such action shall become final. An appeal shall be by trial de novo, as in proceedings appealed from justice to county courts. The decision of the Board shall have full force and effect pending the determination of the appeal. All appeals taken from actions of the Board shall be against the Board and not against the members individually.

Sec. 12. OTHER PROCEDURAL PROVISIONS. (a) In each instance where a principal has been rearrested and returned to the county wherein his bond was made within 120 days after the date of the final judgment on the bond forfeiture and no appeal has been taken and provided that the principal was rearrested as a result of money spent or information furnished by the surety, the surety thereon may file a motion of remittance in the court commanding the appearance of the principal and the court shall order at least 50 percent of the amount paid on the judgment remitted. The payment shall be made by the county

treasurer.

(b) Any licensee under this Act may execute bail bonds in the county in which his license is issued and, after being certified by a sheriff in any county, may present a bail bond to any sheriff in the state having custody of the accused person named therein, except that a sheriff of a county having a population in excess of 200,000 according to the last preceding federal census may require that all bail bonds be executed by persons licensed in that county.

(c) A person whose application for license to engage in the execution of bail bonds has been refused may not make or renew the application for a period of one year from the date of final rejection.

Sec. 13. SURRENDER OF PRINCIPAL. (a) No person who executes a bail bond as a surety for a principal may surrender the principal unless he forthwith executes an affidavit to be filed with the clerk of the court stating:

- (1) the date the bond was made;
- (2) the fee paid for the bond; and
- (3) the reason for the surrender.

(b) If the reason for surrender is deemed without reasonable cause by the principal, any agent of the sheriff, or any attorney representing the state or any accused in the proceeding, that person may bring the matter to the attention of the court.

(c) If the court determines that the person who surrendered the principal did so without reasonable cause, the court in its discretion may require that all or a part of the fees paid as a condition for making the bail bond shall be returned to the principal. In making the determination the court shall determine what fees, whether denominated fees for the making of the bond or not, were in fact paid for the purpose of inducing the surety to make the bond.

Sec. 14. APPROVAL OF BOND. The sheriff of any county has the sole responsibility of receiving and approving bail bonds for the purpose of gaining the release of a named principal held in custody by any authority in his county upon accusation of an offense of which the county or district court has jurisdiction.

Sec. 15. ACTS SUBJECT TO FINE. (a) No person required to be licensed under this Act may execute a bail bond without a license.

(b) No bondsman or agent of a bondsman may, by any means, recommend or suggest to any person whose bail bond has been posted by that person the name of any particular attorney or firm of attorneys for employment in connection with a criminal offense.

(c) No sheriff, peace officer, or his deputy or employee, or clerk, or deputy clerk of any court may recommend to any person or persons, family of such person or persons, friends, relatives, or employer the name of any particular bondsman. In all places where prisoners are examined, processed, or confined, a list of licensed bondsmen of that county may be displayed.

(d) No person may advertise as a bondsman who does not hold a valid license under this Act. Provided, however, any second or subsequent violation of this subsection shall be punishable as provided by subsection (g) of this section.

(e) Any person who violates a provision of this section commits a misdemeanor punishable by a fine of not more than \$500.

(f) No stocks or bonds or real estate used as security for the making of any bail bond may be transferred at any time while there remains an outstanding bail bond secured by this property; except that a surety make application to the sheriff for permission to sell or trade any portion of such property and the sheriff shall give a written consent for such sale or trade upon finding that the remaining property is sufficient security for all outstanding bonds of the licensee.

(g) Any person who violates subsection (f) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or confinement in the county jail for not more than one year or both.

Sec. 16. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such

invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; and to this end the provisions of this Act are declared to be severable.

Sec. 17. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Santiesteban offered the following amendment to the bill:

Amend C.S.S.B. 383 by striking all above the enacting clause and substituting the following:

"A BILL

TO BE ENTITLED

An Act relating to the licensing and regulation of persons or corporations who engage in the business of executing bail bonds in certain counties; creating bail bond boards; providing for remittitur; providing certain penalties; and declaring an emergency."

The amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend C.S.S.B. 383 by changing figures "200,000" and substituting therefor the figures "150,000" wherever applicable.

The amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Mauzy and Wallace asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 383 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 383 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Wolff.

Nays: Mauzy and Wallace.

Abstract-enclosed: Section.

SENATE RESOLUTION 718

Senator Aikin offered the following resolution:

WHEREAS, the Legislature, has a continuing responsibility for most effective allocation of the State's financial resources, and

WHEREAS, business and government implementation of the concept of "zero-base" budgeting, including application of techniques of cost-benefit ratio analysis, has facilitated effectiveness in budgeting, without adding heavily to the burdens of budget making, and

WHEREAS, an investigation of such budgeting technique is in order, now, therefore

BE IT RESOLVED, by the Senate that the Legislative Budget Board be requested to study the concept of "zero-base" budgeting with a view toward possibly implementing its better features as aids in the budget-recommendation and decision-making process.

The resolution was read and was adopted.

SENATE BILL 336 WITH HOUSE AMENDMENT

Senator Brooks called S.B. 336 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

AMENDMENT NO. 1

Amend S.B. 336 on page 2, (3) by deleting the quotation marks ending (3) on Line 14 and inserting thereafter, prior to Section 2 on Line 15, the following:

"(4) It is intended that the sheltered workshop authority and program be enumerated above in Section (a) and (b)(1)(2) and (3) shall not conflict with the authority and/or jurisdiction of Community Centers for Mental Health and Mental Retardation as set forth in Article 5547-203 and 204 (VRCS) of the Texas Mental Health and Mental Retardation Act."

The House amendment was read.

Senator Brooks moved that the Senate concur in House amendment.

The motion prevailed.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Tuesday, May 8, 1973

S.J.R. 37 - Senator Harrington
 C.S.S.B. 30 - Senator Herring
 S.B. 86 - Senator Brooks
 C.S.S.B. 109 - Senator Moore
 S.B. 111 - Senator Wallace
 S.B. 164 - Senator Adams
 S.B. 227 - Senator Mauzy
 S.B. 322 - Senator Gammage
 C.S.S.B. 456 - Senator Jones
 S.B. 506 - Senator Braecklein
 S.B. 558 - Senator Brooks
 S.B. 594 - Senator Mauzy
 C.S.S.B. 637 - Senator Traeger
 S.B. 688 - Senator Adams
 S.B. 694 - Senator Mengden
 S.B. 729 - Senator Santiesteban
 C.S.S.B. 765 - Senator Ogg
 S.B. 772 - Senator Ogg
 C.S.S.B. 777 - Senator Gammage
 C.S.S.B. 789 - Senator Gammage
 C.S.S.B. 803 - Senator Mauzy
 C.S.S.B. 815 - Senator Mauzy
 C.S.S.B. 819 - Senator Wolff
 C.S.S.B. 837 - Senator Jones
 C.S.S.B. 847 - Senator Herring
 S.B. 901 - Senator Sherman
 S.B. 902 - Senator Santiesteban
 C.S.S.B. 904 - Senator Moore
 C.S.S.B. 925 - Senator Moore
 S.B. 938 - Senator Sherman
 H.B. 209 - Senator Kothmann
 H.B. 628 - Senator Traeger
 H.B. 637 - Senator Aikin

Wednesday, May 9, 1973

H.B. 285 - Senator Moore

MEMORIAL RESOLUTIONS

S.R. 704 - By Senator Wolff: Memorial resolution for Porfirio Salinas.

S.R. 705 - By Senators Braecklein, Mauzy, Clower and Harris: Memorial resolution for Steve Wester, Chris Phillips and Scott Stephens.

S.R. 709 - By Senator Adams: Memorial resolution for Dr. Frank W. Taylor.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 98 - By Senator Brooks: Tribute to Sam Houston's Army victory at San Jacinto.

S.R. 706 - By Senator Adams: Extending congratulations to Don Scarborough.

S.R. 707 - By Senator Adams: Extending congratulations to Miss Cheryl Chowning, Miss Athens.

S.R. 708 - By Senator Adams: Extending congratulations to Miss Dorothy Thompson, Miss Lufkin Rodeo.

S.R. 710 - By Senator Adams: Extending congratulations to Brownsboro Little Dribblers.

S.R. 711 - By Senator Adams: Extending congratulations to Industrial Arts Club of Carthage High School.

S.R. 712 - By Senator Adams: Extending congratulations to Broadus High School Volleyball Team.

S.R. 713 - By Senator Adams: Extending congratulations to Carey McKinney, Who's Who in High School.

S.R. 715 - By Senator Harris: Extending welcome to North Dallas Campfire Girls.

S.R. 716 - By Senator Aikin: Extending welcome to Mr. and Mrs. Cecil M. Everett, Marcus Everett and Brett Lee.

S.R. 717 - By Senator Aikin: Extending welcome to Mr. and Mrs. Thomas B. Steely.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:33 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

May 7, 1973

S.B. 177

S.B. 218

S.B. 393

S.B. 636

S.B. 642